

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 18-02002-mj-DPR

NATHANIAL F. MARES,

Defendant.

**UNITED STATES' MOTION FOR PRETRIAL DETENTION AND FOR
A HEARING PURSUANT TO 18 U.S.C. § 3142(e) and (f)**

The United States of America, through Timothy A. Garrison, United States Attorney for the Western District of Missouri, and by the undersigned Assistant United States Attorney requests pretrial detention and a detention hearing pursuant to 18 U.S.C. § 3142 (e)(3)(E), (f)(1)(A), (f)(2)(A), and (f)(2)(B). At this hearing, the evidence will demonstrate that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

Supporting Suggestions

1. 18 U.S.C. § 3142(f)(1)(A) provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the Government moves for such a hearing and if the case is one that involves a crime of violence as defined in 18 U.S.C. § 3156(a)(4)(C), which includes the offenses of sexual exploitation of a child, in violation of 18 U.S.C., Chapter 110, § 2251(a).
2. The statute recognizes two additional situations which allow for a detention hearing and

which can be raised either by the attorney for the Government or by a judicial officer.

These conditions are:

- a. When there is a serious risk that the defendant will flee; or,
 - b. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror." 18 U.S.C. § 3142(f)(2)(A) and (B).
3. One or more grounds for pretrial detention and a pretrial detention hearing as set forth by the statute exists in the above cause, to wit: this matter involves a crime of violence under Chapter 110. Further, there is a serious risk that the defendant's release will present a substantial risk to the community.
4. The crime alleged in the complaint requires the Court to consider a rebuttable presumption that no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) will reasonably assure the appearance of the defendant as required and the safety of other persons and the community. 18 U.S.C. § 3142(e)(3)(E).
5. Moreover, the nature and circumstances of the charged offense, the weight of the evidence, the defendant's history and characteristics, and the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release, each demonstrate that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) that will reasonably assure the appearance of the defendant as required and the safety of other persons and the community.
6. The government is aware of the following evidence:
 - a. In relation to the nature and circumstances of the offenses charged, the defendant produced images and videos of child pornography.

- b. In relation to the weight of the evidence supporting the charges in the complaint, only one USB flash drive, out of the many devices that were seized by law enforcement, has been examined. In that flash drive, law enforcement located videos where the defendant set up video cameras in bathrooms. The video recordings capture two minor females, Jane Doe 1 and Jane Doe 2, showering in the bathroom. Jane Doe 1 and Jane Doe 2, are partially nude to fully nude in the recordings. On that device, law enforcement also located a variety of other videos. Some of the videos depict the defendant surreptitiously recording sexual activity with his wife. There were also a series of three videos, which depicted the surreptitious recording of an unidentified female. In the first video, an adult female and her minor child are followed into the Mountain Grove Elementary School, and once in the building the recording captures the adult female leaning against a wall. In the second video, the same adult female is followed through the parking lot of the Mountain Grove Elementary School. In the third video, the adult female is seen walking through a Walmart store with her minor child. Finally, law enforcement located videos that were taken at a public pool. The focus of the camera is on minor teenage females in swimsuits and bikini's.
- c. In relation to the history and characteristics of this defendant, the defendant is employed with the Missouri Department of Corrections, the South Central Missouri Correctional Facility in Licking, Missouri, as a correctional officer. Furthermore, firearms were located in the bedroom he occupied at his mother's residence.

WHEREFORE, the United States requests a pretrial detention hearing and that the defendant be detained pending trial.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By /s/ Ami Harshad Miller
Ami Harshad Miller
Assistant United States Attorney
Missouri Bar No. 57711
901 St. Louis Street, Ste. 500
Springfield, Missouri 65806

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on January 9, 2018, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Ami Harshad Miller
Ami Harshad Miller
Assistant United States Attorney